

ENTERPRISE BARGAINING BULLETIN #14 UPDATE FOLLOWING MEMBERS' MEETING 22 September 2021

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Thank you to all those members who were able to attend the recent SASMOA member meeting. This Update provides a summary of the meeting and the next steps regarding Enterprise Agreement negotiations.

It is likely that over the next few weeks, if a resolution for a new enterprise agreement cannot be found, SASMOA will be asking members to participate in a campaign for improved working conditions to address workloads, fatigue and a new Enterprise Agreement.

MEETING SUMMARY

The SASMOA members meeting was led by SASMOA’s negotiating team members SASMOA President, Dr Laura Willington, Vice President, Dr Marc Agzarian and Chief Industrial Officer Bernadette Mulholland.

Bernadette briefed members on the progress of the negotiations with the Department of Treasury and Finance (DTF) and the Department for Health and Wellbeing (DHW) since September 2020, including the broad “notions” presented by DTF and DHW which, over time, have significantly changed.

The meeting was advised that DTF had recently presented two options, referred to as “propositions”, for public sector doctors to consider (see next section). The “choice” is similar to the games played by DTF and DHW in the employer’s recent negotiations with public sector nurses, where nurses were given the choice to accept either a 2% pay increase in 2020 for a two year agreement or a 2.3% pay increase requiring a significant loss of conditions that protect workloads and staffing levels.

The SASMOA negotiators were disappointed by both “propositions” presented by DTF and DHW given the current public health environment and the lack of resources provided to support doctors in delivering quality care to patients. Doctors working in SA Health should not have to choose between their own wellbeing and patient care because of a lack of resources.

DTF "PROPOSITIONS" FOR PUBLIC SECTOR DOCTORS

DTF’s first proposal, clearly designed to make the second proposal seem more “reasonable”, was a standard three-year Enterprise Agreement with a 2% p.a. salary increase, but which included:

- removal of clause 44 dealing with “Private Practice”, particularly that part of the clause that provides that the Private Practice Agreement 2008 (“PPA 2008”) “may not be altered or withdrawn without the consent of both parties”
- SASMOA agree that the PPA 2008 be varied to increase the “Facilities Fee” from 9% to up to 25%
- Consultants be rostered to perform their contracted hours over seven days, but with the same number of doctors in the system
- Clinical and Divisional Directors no longer report to the relevant LHN Chief Executive but to the Executive Director of Medical Services, removing direct contact with the Chief Executive Officer on clinical or operational matters, and
- A statement in the Objects clause of the Enterprise Agreement regarding the “Primacy of Public Health Duties”. While DTF negotiators have indicated this is not yet another attack on Consultant’s Rights of Private Practice, SASMOA is seeking to clarify this aspect of the DTF proposal.
- DTF’s second proposal was a short two-year Agreement (meaning negotiations for the next Agreement would recommence in July 2022 shortly after the State election) and a 1.5% p.a. salary increase.

Both the DTF “propositions” included Trainee Medical Officer contracts being extended to two years; standard public sector wide conditions such as two weeks (10 days) paid partner leave; increased access to carer’s leave; and backdating of the salary increases to April 2021.

SASMOA AGENDA

Nearly all SASMOA agenda items advanced on behalf of doctors were not included in the DTF/DHW “propositions”. SASMOA agenda items included:

- anti-bullying clauses
- provision of PPE
- penalties for non-compliance with roster requirements
- continuity of contracts to the end of maternity leave
- improved contractual arrangements for Trainee Medical Officers (four years)
- Medical Job and Staff Planning
- hours free of duty increased to 10 hours
- paid meal breaks
- a guarantee the employer will pay Trainee Medical Officers for all hours worked, and
- financial incentives and improved conditions for country public sector doctors.

SASMOA MEMBER MOTIONS

While there were a variety of views expressed, it was clear from the discussions that SASMOA members were unimpressed with the tactics and offers of DTF and DHW, and believed that protecting and improving working conditions was the top priority, while also negotiating a fair and reasonable salary increase.

After discussions, members passed several motions which were strongly supported by those in attendance. In summary, the motions were:

Motion 1

To reject the DTF first proposal that would undermine many doctors’ entitlement to participate in private practice, significantly increase the facilities fee (a pay cut for many doctors) and the requirement for Consultants to work contracted hours across seven days with no additional doctors employed.

Motion 2

To reject the DTF second proposal for a short Agreement and recommence negotiations after the State election.

Motion 3

That SASMOA offer a three-year Agreement with a 2% p.a. salary increase including improvements to working conditions sought by SASMOA Members.

Motion 4

Alternatively, SASMOA offer a three-year Agreement with a 2.5% p.a. salary increase, with improved conditions limited to four key items, being inclusion of four-year contracts for TMOs, an anti-bullying clause, a Personal Protective Equipment clause, and 10-hour breaks.

Motion 5

If DTF reject both of SASMOA members' offers, SASMOA is to call a stop work meeting of all SASMOA members within three weeks.

The full text of each motion is here.

While SASMOA members who attended the member meeting were strongly supportive of the above motions, it is important that the strength and depth of the feelings of all members is considered. To assist gauge this we will be conducting a series of Zoom meetings.

ZOOM MEETINGS WITH SASMOA MEMBERS

Bernadette Mulholland will be conducting members meetings via ZOOM over the next two weeks to ensure all SASMOA members are briefed on the employer's proposals, the SASMOA agenda, the options for a campaign and the potential stop work meeting. This list of meetings will be sent out within the next 48 hours.

SA ELECTION

The South Australian Election is scheduled for Saturday 19 March 2022. There is therefore limited time to finalise the new Enterprise Agreement for public sector doctors. In February the Government will resume caretaker mode and in December and January many of you will be on holiday. The time to campaign for a new agreement must be now.

POTENTIAL STOP WORK MEETING

In the event that DTF and DHW reject both of the offers proposed by SASMOA members, a stop work meeting will occur to start a community, political and industrial campaign to secure a new Enterprise Agreement that is acceptable to all salaried medical officers employed in SA Health. Further details regarding the stop work meeting will follow shortly

Bernadette Mulholland
Chief Industrial Officer